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**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/103,287    06/23/98    BURNHAM

M    GM10025

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HM22/0531

EXAMINER
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MARTINELL, J

ART UNIT	PAPER NUMBER
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1633

DATE MAILED:

05/31/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trad marks

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# Office Action Summary

Application No.  
**09/103,287**

Applicant(s)  
**Burnham et al**

Examiner  
**James Martinell**

Group Art Unit  
**1633**



☒ Responsive to communication(s) filed on Mar 20, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 18-43 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 18-30 and 43 is/are allowed.

☒ Claim(s) 31-42 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial No. 103,287

Art Unit 1633

Claims 31-42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The instant application does not disclose a full open reading frame (ORF) for SEQ ID NO 3, which SEQ ID NO encodes SEQ ID NO 4. The region of SEQ ID NO 3 that encodes SEQ ID NO 4 is positions 2-649. Positions 2-4 of SEQ ID NO 3 encode Phe as ttt, which is not shown in the instant application to be an initiator codon. The absence of an in frame initiation codon in SEQ ID NO 3 is evidence that positions 2-649 of SEQ ID NO 3 is not a full ORF and the SEQ ID NO 4 is a partial peptide sequence of a larger polypeptide. Accordingly, applicant has not provided an adequate written description for either the full length polypeptide or the nucleotide sequences that may encode it. Additionally, the claims encompass the full length genomic DNA, which DNA is not adequately described.

Serial No. 103,287

Art Unit 1633

Claims 18-30 and 43 are allowable over the prior art of record.

Certain papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Art Unit 1633 at (703) 308-4242. The faxing of such papers must conform with the rules published in the Official Gazette, 1156 OG 61 (November 16, 1993).

Any inquiry concerning this communication should be directed to J. Martinell at telephone number (703) 308-0296.

  
JAMES MARTINELL, Ph.D.  
SENIOR LEVEL EXAMINER